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C O N F I D E N T I A L SECTION 01 OF 02 TAIPEI 003346

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STATE PASS AIT/W

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SUBJECT: CONSTITUTIONAL REFORM OFFICE OPENS: EXERCISE IN FUTILITY?

REF: TAIPEI 2490

Classified By: AIT Director Douglas Paal, Reason(s): 1.4 (B/D).

¶1. (C) Summary: On August 1, President Chen Shui-bian inaugurated a Constitutional Reform Office (CRO) in the Office of the President. This is to be the first step in his "second stage" of constitutional reforms, following on the heels of the constitutional revision package enacted in early June (reftel). Chen has publicly assured that this "second stage" of constitutional reforms will focus on good governance, government structure and efficiency, and human, labor and aborigine rights. Chen also promised he would avoid sensitive areas related to Taiwan "sovereignty." Chen has said he hopes to have a new or revised constitution ready by 2008. Nearly insurmountable political and procedural obstacles stand in Chen's way, however. There is little public support for constitutional reform, as most polls indicate people are much more concerned about economic recovery than constitutional reform. Any proposals to reform the constitution, moreover, will have little chance of passing the rigorous new standards for constitutional change passed in early June. End Summary.

¶2. (C) The new CRO Director, Lee Chun-yi, told AIT that Taiwan's current constitution, drafted by the KMT government in Mainland China in 1947 to govern all of China, is widely rejected in Taiwan as a foreign transplant. In the fifty-plus years since the ROC constitution was enacted, he explained, Taiwan has transformed into a modern democracy premised on respect for basic human rights. Since the 1947 constitution does not mention, let alone protect individual rights, it does not reflect Taiwan's modern values. Lee argued that if Taiwan wants to continue developing into a "normal" modern democratic society, the next logical step would be to replace the "foreign" and "outmoded" 1947 constitution with one that reflects Taiwan's modern political structure and sensibilities. He stressed that in order to get Taiwanese society to accept the new constitution as "theirs," they must be involved in its development.

¶3. (C) The CRO is technically a Presidential task force, Lee explained, which reports directly to Presidential Office Secretary General Yu Shyi-kun. He told AIT that CRO's

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assigned task is to stimulate understanding and discussion of the constitutional reform issue in Taiwan through direct public outreach. Taiwan's seven constitutional reforms since 1990, Lee explained, including direct presidential elections and legislative reform, were all "top-down," implemented by the Legislative Yuan (LY) without meaningful public involvement. By contrast, he continued, the CRO will take a "bottom-up" approach: over the next 18 months, the CRO will host events to educate the public on how constitutional reform affects them (e.g. voluntary vs. mandatory military service, lower voting age requirements, environmental protections). The CRO will also solicit input and proposals for constitutional reform from all sectors of society, including environmentalists, women's and workers' rights activists, young adults, and senior citizens. The CRO will then transmit its findings to the LY, which will be responsible for drafting constitutional reforms. President Chen, Lee explained, hopes the constitutional reforms will be passed and in place before the next president takes office in ¶2008.

¶4. (C) On August 10, National Political University constitutional law professor Bruce Liao (Yuan-hao) told AIT that he and other scholars suspect President Chen fully understands he has little chance of effecting any meaningful constitutional reform, and has embarked on this "second round" for purely political reasons. Liao explained that Chen, a "master at setting the political agenda," always gains by promoting constitutional reform: in pushing for a more "Taiwanese" constitution Chen demonstrates to his deep-green supporters that he is still committed to Taiwan independence, and when reform is stalled, Chen can always cast blame on the Pan-Blues.

¶5. (C) Comment: President Chen's July 21 announcement of his plan to establish the CRO received a cool, in some cases hostile, reception. Critics accused President Chen of being

out of touch with Taiwan's political and economic reality, arguing that voters wanted Chen to improve the economy, not fiddle with constitutional reform. Others feared the CRO would provide a venue for Chen to pursue his cherished, and cross-Strait destabilizing, drive for a new Taiwan constitution. In response to the strong reactions, Chen altered course and announced that he would establish the CRO to inform and educate the people of Taiwan about the need for constitutional revision. Criticisms aside, even if the CRO is able to stimulate significant public interest in constitutional reform, any reform proposal must overcome the high hurdles put in place by the constitutional revision package passed on June 7 (reftel): three-fourths of the LY must approve the bill, which then must be ratified by over half of the eligible voters in a national referendum. In this context, President Chen's hopes for a new or revised constitution by 2008 seem highly unlikely. End comment.

16. (U) Bio Note: Lee Chun-yi is the son of National Taiwan University law professor Lee Hung-hsi, President Chen Shui-bian's personal mentor. Lee Chun-yi is former Deputy Mayor of Chiayi City and a prominent constitutional law expert in his own right.

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